

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act regarding social security numbers and
 4 financial account numbers; amending s. 119.071, F.S.;
 5 creating definitions; changing the reporting requirements;
 6 reorganizing the exemption for social security numbers;
 7 making editorial changes; removing the scheduled repeal of
 8 the exemptions under the Open Government Sunset Review
 9 Act; creating s. 119.0714, F.S.; transferring,
 10 renumbering, and amending current exemptions applicable to
 11 court files, court records, and official records;
 12 extending the date for automatic redaction of social
 13 security numbers and financial account numbers; repealing
 14 s. 215.322, F.S., providing a public records exemption for
 15 credit card numbers; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Paragraph (a) of subsection (5) of section
 20 119.071, Florida Statutes, is amended to read:

21 119.071 General exemptions from inspection or copying of
 22 public records.--

23 (5) OTHER PERSONAL INFORMATION.--

24 (a)1.a. The Legislature acknowledges that the social
 25 security number was never intended to be used for business
 26 purposes but was intended to be used solely for the
 27 administration of the federal Social Security System. The
 28 Legislature is further aware that over time this unique numeric

29 | identifier has been used extensively for identity verification
 30 | purposes and other legitimate consensual purposes.

31 | **b.** ~~The Legislature recognizes is also cognizant of the fact~~
 32 | that the social security number can be used as a tool to
 33 | perpetuate fraud against an individual ~~a person~~ and to acquire
 34 | sensitive personal, financial, medical, and familial information,
 35 | the release of which could cause great financial or personal harm
 36 | to an individual.

37 | **c.** ~~The Legislature intends to monitor the commercial~~ use of
 38 | social security numbers held by ~~state~~ agencies in order to
 39 | maintain a balanced public policy.

40 | **2.a.** An agency may not collect an individual's social
 41 | security number unless the agency has stated in writing the
 42 | purpose for its collection and unless it is:

43 | **I.** Specifically authorized by law to do so; or

44 | **II.** ~~unless the collection of the social security number is~~
 45 | ~~otherwise~~ Imperative for the performance of that agency's duties
 46 | and responsibilities as prescribed by law. ~~Social security~~
 47 | ~~numbers collected by an agency must be relevant to the purpose~~
 48 | ~~for which collected and may not be collected until and unless the~~
 49 | ~~need for social security numbers has been clearly documented.~~

50 | **b.** Social security numbers collected by an agency may not
 51 | be used by that agency for any purpose other than the purpose
 52 | provided in the written statement.

53 | **3.** ~~An agency that collects social security numbers shall~~
 54 | ~~also segregate that number on a separate page from the rest of~~
 55 | ~~the record, or as otherwise appropriate, in order that the social~~
 56 | ~~security number be more easily redacted, if required, pursuant to~~
 57 | ~~a public records request.~~ An agency collecting an individual's a

58 ~~person's~~ social security number shall, ~~upon that person's~~
 59 ~~request, at the time of or prior to the actual collection of the~~
 60 ~~social security number by that agency,~~ provide that individual
 61 ~~person~~ with a copy of the written statement required in
 62 subparagraph 2. ~~of the purpose or purposes for which the social~~
 63 ~~security number is being collected and used. Social security~~
 64 ~~numbers collected by an agency may not be used by that agency for~~
 65 ~~any purpose other than the purpose stated.~~

66 4.a. Each social security numbers ~~collected by an agency~~
 67 ~~before May 13, 2002,~~ shall review whether its collection of
 68 social security numbers is in ~~be reviewed for compliance with~~
 69 subparagraph 2. ~~this subparagraph.~~ If the agency determines that
 70 collection of a social security number before May 13, 2002, is
 71 not in compliance with subparagraph 2. ~~found to be unwarranted,~~
 72 the agency shall immediately discontinue the collection of social
 73 security numbers for that purpose.

74 b. Each agency shall certify to the President of the Senate
 75 and the Speaker of the House of Representatives its compliance
 76 with this subparagraph no later than January 31, 2008.

77 ~~5.3. Effective October 1, 2002,~~ all Social security numbers
 78 held by an agency are confidential and exempt from s. 119.07(1)
 79 and s. 24(a), Art. I of the State Constitution. This exemption
 80 applies to ~~all~~ social security numbers held by an agency before,
 81 on, or after the effective date of this exemption.

82 ~~6.4.~~ Social security numbers may be disclosed to another
 83 agency or governmental entity ~~or its agents, employees, or~~
 84 ~~contractors~~ if disclosure is necessary for the receiving agency
 85 or entity to perform its duties and responsibilities. ~~The~~
 86 ~~receiving governmental entity and its agents, employees, and~~

87 ~~contractors shall maintain the confidential and exempt status of~~
 88 ~~the numbers.~~

89 7.a. For purposes of this subparagraph, the term:

90 I. "Commercial activity" means the provision of a lawful
 91 product or service by a commercial entity. Commercial activity
 92 includes verification of the accuracy of personal information
 93 received by a commercial entity in the normal course of its
 94 business; use for insurance purposes; use in identifying and
 95 preventing fraud; use in matching, verifying, or retrieving
 96 information; and use in research activities. It does not include
 97 the display or bulk sale of social security numbers to the public
 98 or the distribution of such numbers to any customer that is not
 99 identifiable by the commercial entity.

100 II. "Commercial entity" means any corporation, partnership,
 101 limited partnership, proprietorship, sole proprietorship, firm,
 102 enterprise, franchise, or association that performs a commercial
 103 activity in this state.

104 ~~b.5.~~ An agency may not deny a commercial entity engaged in
 105 the performance of a commercial activity, ~~which, for purposes of~~
 106 ~~this paragraph, means an activity that provides a product or~~
 107 ~~service that is available from a private source, or its agents,~~
 108 ~~employees, or contractors~~ access to social security numbers,
 109 provided the social security numbers will be used only in the
 110 performance of a commercial activity ~~normal course of business~~
 111 ~~for legitimate business purposes,~~ and provided the commercial
 112 entity makes a written request for the social security numbers.
 113 The written request must: 7

114 (I) Be verified as provided in s. 92.525; 7

115 (II) Be legibly signed by an authorized officer, employee,
 116 or agent of the commercial entity;

117 (III) ~~The verified written request must~~ Contain the
 118 commercial entity's name, business mailing and location
 119 addresses, and ~~business telephone number;~~ and

120 (IV) Contain a statement of the specific purposes for which
 121 it needs the social security numbers and how the social security
 122 numbers will be used in the performance of a commercial activity
 123 ~~normal course of business for legitimate business purposes.~~ The
 124 aggregate of these requests shall serve as the basis for the
 125 agency report required in subparagraph 9 &.

126 c. An agency may request any other information reasonably
 127 necessary to verify the identity of a commercial ~~the~~ entity
 128 requesting the social security numbers and the specific purposes
 129 for which the numbers will be used.; ~~however, An agency has no~~
 130 ~~duty to inquire beyond the information contained in the verified~~
 131 ~~written request. A legitimate business purpose includes~~
 132 ~~verification of the accuracy of personal information received by~~
 133 ~~a commercial entity in the normal course of its business; use in~~
 134 ~~a civil, criminal, or administrative proceeding; use for~~
 135 ~~insurance purposes; use in law enforcement and investigation of~~
 136 ~~crimes; use in identifying and preventing fraud; use in matching,~~
 137 ~~verifying, or retrieving information; and use in research~~
 138 ~~activities. A legitimate business purpose does not include the~~
 139 ~~display or bulk sale of social security numbers to the general~~
 140 ~~public or the distribution of such numbers to any customer that~~
 141 ~~is not identifiable by the distributor.~~

142 8.a.6. Any person who makes a false representation in order
 143 to obtain a social security number pursuant to this paragraph, or

144 any person who willfully and knowingly violates this paragraph,
 145 commits a felony of the third degree, punishable as provided in
 146 s. 775.082 or s. 775.083.

147 b. Any public officer who violates this paragraph is guilty
 148 of a noncriminal infraction, punishable by a fine not exceeding
 149 \$500 per violation. ~~A commercial entity that provides access to~~
 150 ~~public records containing social security numbers in accordance~~
 151 ~~with this paragraph is not subject to the penalty provisions of~~
 152 ~~this subparagraph.~~

153 ~~7.a. On or after October 1, 2002, a person preparing or~~
 154 ~~filing a document to be recorded in the official records by the~~
 155 ~~county recorder as provided for in chapter 28 may not include any~~
 156 ~~person's social security number in that document, unless~~
 157 ~~otherwise expressly required by law. If a social security number~~
 158 ~~is or has been included in a document presented to the county~~
 159 ~~recorder for recording in the official records of the county~~
 160 ~~before, on, or after October 1, 2002, it may be made available as~~
 161 ~~part of the official record available for public inspection and~~
 162 ~~copying.~~

163 ~~b. Any person, or his or her attorney or legal guardian,~~
 164 ~~has the right to request that a county recorder remove, from an~~
 165 ~~image or copy of an official record placed on a county recorder's~~
 166 ~~publicly available Internet website or a publicly available~~
 167 ~~Internet website used by a county recorder to display public~~
 168 ~~records or otherwise made electronically available to the general~~
 169 ~~public by such recorder, his or her social security number~~
 170 ~~contained in that official record. The request must be made in~~
 171 ~~writing, legibly signed by the requester and delivered by mail,~~
 172 ~~facsimile, or electronic transmission, or delivered in person, to~~

173 ~~the county recorder. The request must specify the identification~~
 174 ~~page number that contains the social security number to be~~
 175 ~~redacted. The county recorder has no duty to inquire beyond the~~
 176 ~~written request to verify the identity of a person requesting~~
 177 ~~redaction. A fee may not be charged for the redaction of a social~~
 178 ~~security number pursuant to such request.~~

179 ~~e. A county recorder shall immediately and conspicuously~~
 180 ~~post signs throughout his or her offices for public viewing and~~
 181 ~~shall immediately and conspicuously post, on any Internet website~~
 182 ~~or remote electronic site made available by the county recorder~~
 183 ~~and used for the ordering or display of official records or~~
 184 ~~images or copies of official records, a notice stating, in~~
 185 ~~substantially similar form, the following:~~

186 ~~(I) On or after October 1, 2002, Any person preparing or~~
 187 ~~filing a document for recordation in the official records may not~~
 188 ~~include a social security number in such document, unless~~
 189 ~~required by law.~~

190 ~~(II) Any person has a right to request a county recorder to~~
 191 ~~remove, from an image or copy of an official record placed on a~~
 192 ~~county recorder's publicly available Internet website or on a~~
 193 ~~publicly available Internet website used by a county recorder to~~
 194 ~~display public records or otherwise made electronically available~~
 195 ~~to the general public, any social security number contained in an~~
 196 ~~official record. Such request must be made in writing and~~
 197 ~~delivered by mail, facsimile, or electronic transmission, or~~
 198 ~~delivered in person, to the county recorder. The request must~~
 199 ~~specify the identification page number that contains the social~~
 200 ~~security number to be redacted. A fee may not be charged for the~~
 201 ~~redaction of a social security number pursuant to such a request.~~

PCB GEAC 07-08

ORIGINAL

2007

202 ~~d. Until January 1, 2008, if a social security number, made~~
203 ~~confidential and exempt pursuant to this paragraph, or a complete~~
204 ~~bank account, debit, charge, or credit card number made exempt~~
205 ~~pursuant to paragraph (b) is or has been included in a court~~
206 ~~file, such number may be included as part of the court record~~
207 ~~available for public inspection and copying unless redaction is~~
208 ~~requested by the holder of such number, or by the holder's~~
209 ~~attorney or legal guardian, in a signed, legibly written request~~
210 ~~specifying the case name, case number, document heading, and page~~
211 ~~number. The request must be delivered by mail, facsimile,~~
212 ~~electronic transmission, or in person to the clerk of the circuit~~
213 ~~court. The clerk of the circuit court does not have a duty to~~
214 ~~inquire beyond the written request to verify the identity of a~~
215 ~~person requesting redaction. A fee may not be charged for the~~
216 ~~redaction of a social security number or a bank account, debit,~~
217 ~~charge, or credit card number pursuant to such request. The clerk~~
218 ~~of the circuit court has no liability for the inadvertent release~~
219 ~~of confidential and exempt social security numbers or exempt bank~~
220 ~~account, debit, charge, or credit card numbers, unknown to the~~
221 ~~clerk of the circuit court in court records filed with the clerk~~
222 ~~of the circuit court on or before January 1, 2008.~~

223 ~~e. Any person who prepares or files a document to be~~
224 ~~recorded in the official records by the county recorder as~~
225 ~~provided in chapter 28 may not include a person's social security~~
226 ~~number or complete bank account, debit, charge, or credit card~~
227 ~~number in that document unless otherwise expressly required by~~
228 ~~law. Until January 1, 2008, if a social security number or a~~
229 ~~complete bank account, debit, charge, or credit card number is or~~
230 ~~has been included in a document presented to the county recorder~~

PCB GEAC 07-08

ORIGINAL

2007

231 ~~for recording in the official records of the county, such number~~
 232 ~~may be made available as part of the official record available~~
 233 ~~for public inspection and copying. Any person, or his or her~~
 234 ~~attorney or legal guardian, may request that a county recorder~~
 235 ~~remove from an image or copy of an official record placed on a~~
 236 ~~county recorder's publicly available Internet website, or a~~
 237 ~~publicly available Internet website used by a county recorder to~~
 238 ~~display public records outside the office or otherwise made~~
 239 ~~electronically available outside the county recorder's office to~~
 240 ~~the general public, his or her social security number or complete~~
 241 ~~account, debit, charge, or credit card number contained in that~~
 242 ~~official record. Such request must be legibly written, signed by~~
 243 ~~the requester, and delivered by mail, facsimile, electronic~~
 244 ~~transmission, or in person to the county recorder. The request~~
 245 ~~must specify the identification page number of the document that~~
 246 ~~contains the number to be redacted. The county recorder does not~~
 247 ~~have a duty to inquire beyond the written request to verify the~~
 248 ~~identity of a person requesting redaction. A fee may not be~~
 249 ~~charged for redacting such numbers. If the county recorder~~
 250 ~~accepts or stores official records in an electronic format, the~~
 251 ~~county recorder must use his or her best efforts to redact all~~
 252 ~~social security numbers and complete bank account, debit, charge,~~
 253 ~~or credit card numbers from electronic copies of the official~~
 254 ~~record. The use of an automated program for redaction shall be~~
 255 ~~deemed the best effort and complies with the requirements of this~~
 256 ~~sub-subparagraph. The county recorder is not liable for the~~
 257 ~~inadvertent release of confidential and exempt social security~~
 258 ~~numbers, or exempt bank account, debit, charge, or credit card~~

259 ~~numbers, filed with the county recorder on or before January 1,~~
 260 ~~2008.~~

261 ~~f. Subparagraphs 5. and 6. do not apply to the clerks of~~
 262 ~~the court or the county recorder with respect to circuit court~~
 263 ~~records and official records.~~

264 ~~g. On January 1, 2008, and thereafter, the clerk of the~~
 265 ~~circuit court and the county recorder must keep complete bank~~
 266 ~~account, debit, charge, and credit card numbers exempt as~~
 267 ~~provided for in paragraph (b), and must keep social security~~
 268 ~~numbers confidential and exempt as provided for in subparagraph~~
 269 ~~3., without any person having to request redaction.~~

270 ~~9.a.8. Beginning January 31, 2004, and each January 31~~
 271 ~~thereafter, Every agency shall must file a report with the~~
 272 ~~Executive Office of the Governor, Secretary of State, the~~
 273 ~~President of the Senate, and the Speaker of the House of~~
 274 ~~Representatives, by January 31 of each year.~~

275 b. The report shall list the:

276 I. listing the Identity of all commercial entities that
 277 have requested social security numbers during the preceding
 278 calendar year; and

279 II. the Specific purpose or purposes stated by each
 280 commercial entity regarding its need for social security numbers.

281 c. If no disclosure requests were made, the agency shall so
 282 indicate.

283 ~~10.9.~~ Any affected person may petition the circuit court
 284 for an order directing compliance with this paragraph.

285 ~~11.10.~~ This paragraph does not supersede any other
 286 applicable public records exemptions existing prior to May 13,
 287 2002, or created thereafter.

288 ~~11. This paragraph is subject to the Open Government Sunset~~
 289 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
 290 ~~October 2, 2007, unless reviewed and saved from repeal through~~
 291 ~~reenactment by the Legislature.~~

292 Section 2. Paragraph (b) of subsection (5) of section
 293 119.071, Florida Statutes, is amended to read:

294 119.071 General exemptions from inspection or copying of
 295 public records.--

296 (5) OTHER PERSONAL INFORMATION.--

297 (b) Bank account numbers and debit, charge, and credit card
 298 numbers held by an agency are exempt from s. 119.07(1) and s.
 299 24(a), Art. I of the State Constitution. This exemption applies
 300 to bank account numbers and debit, charge, and credit card
 301 numbers held by an agency before, on, or after the effective date
 302 of this exemption. ~~This paragraph is subject to the Open~~
 303 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
 304 ~~shall stand repealed on October 2, 2007, unless reviewed and~~
 305 ~~saved from repeal through reenactment by the Legislature.~~

306 Section 3. Subsection (6) of section 119.07, and
 307 subparagraph 7. of paragraph (a) of subsection (5) of section
 308 119.071, Florida Statutes, is transferred, renumbered, and
 309 amended to read:

310 119.0714 Court files; court records; official records ~~119.07~~
 311 ~~Inspection and copying of records; photographing public records;~~
 312 ~~fees; exemptions.--~~

313 (1)(6) COURT FILES.--Nothing in this chapter shall be
 314 construed to exempt from s. 119.07(1) ~~subsection (1)~~ a public
 315 record that was made a part of a court file and that is not
 316 specifically closed by order of court, except:

317 (a) A public record that was prepared by an agency attorney
 318 or prepared at the attorney's express direction as provided in s.
 319 119.071(1)(d).

320 (b) Data processing software as provided in s.
 321 119.071(1)(f).

322 (c) Any information revealing surveillance techniques or
 323 procedures or personnel as provided in s. 119.071(2)(d).

324 (d) Any comprehensive inventory of state and local law
 325 enforcement resources, and any comprehensive policies or plans
 326 compiled by a criminal justice agency, as provided in s.
 327 119.071(2)(d).

328 (e) Any information revealing the substance of a confession
 329 of a person arrested as provided in s. 119.071(2)(e).

330 (f) Any information revealing the identity of a
 331 confidential informant or confidential source as provided in s.
 332 119.071(2)(f).

333 (g) Any information revealing undercover personnel of any
 334 criminal justice agency as provided in s. 119.071(4)(c).

335 (h) and (f), (2)(d), (e), and (f), and (4)(c) and except
 336 Information or records that may reveal the identity of a person
 337 who is a victim of a sexual offense as provided in s.
 338 119.071(2)(h).

339 (i) Social security numbers as provided in s.
 340 119.071(5)(a).

341 (j) Bank account numbers and debit, charge, and credit card
 342 numbers as provided in s. 119.071(5)(b).

343 (2) COURT RECORDS.-- 7.a.

344 (a) Until January 1, 2011, if a social security number or a
 345 bank account, debit, charge, or credit card number, is included

PCB GEAC 07-08

ORIGINAL

2007

346 in a court file, such number may be included as part of the court
347 record available for public inspection and copying unless
348 redaction is requested by the holder of such number or by the
349 holder's attorney or legal guardian.

350 (b) A request for redaction must be a signed, legibly
351 written request specifying the case name, case number, document
352 heading, and page number. The request must be delivered by mail,
353 facsimile, electronic transmission, or in person to the clerk of
354 the court. The clerk of the court does not have a duty to inquire
355 beyond the written request to verify the identity of a person
356 requesting redaction.

357 (c) A fee may not be charged for the redaction of a social
358 security number or a bank account, debit, charge, or credit card
359 number pursuant to such request.

360 (d) The clerk of the court has no liability for the
361 inadvertent release of social security numbers or bank account,
362 debit, charge, or credit card numbers, unknown to the clerk of
363 the court in court records filed on or before January 1, 2011.

364 (e)1. On January 1, 2011, and thereafter, the clerk of the
365 court must keep social security numbers confidential and exempt
366 as provided for in s. 119.071(5)(a) and bank account, debit,
367 charge, and credit card numbers exempt as provided for in s.
368 119.071(5)(b), without any person having to request redaction.

369 2. Section 119.071(5)(a)7. and 8. does not apply to the
370 clerks of the court with respect to court records.

371 (3) OFFICIAL RECORDS.--

372 (a) Any person who prepares or files a record for recording
373 in the official records as provided in chapter 28 may not include
374 in that record a social security number or a bank account, debit,

375 charge, or credit card number unless otherwise expressly required
 376 by law.

377 (b)1. If a social security number or a bank account, debit,
 378 charge, or credit card number is included in an official record,
 379 such number may be made available as part of the official records
 380 available for public inspection and copying unless redaction is
 381 requested by the holder of such number or by the holder's
 382 attorney or legal guardian.

383 2. If such record is in electronic format, on January 1,
 384 2011, and thereafter, the clerk of the circuit court and the
 385 county recorder must use his or her best effort, as provided in
 386 paragraph (h), to keep social security numbers confidential and
 387 exempt as provided for in s. 119.071(5)(a) and complete bank
 388 account, debit, charge, and credit card numbers exempt as
 389 provided for in s. 119.071(5)(b), without any person having to
 390 request redaction.

391 3. Section 119.071(5)(a)7. and 8. does not apply to the
 392 county recorder with respect to official records. ~~On or after~~
 393 ~~October 1, 2002, a person preparing or filing a document to be~~
 394 ~~recorded in the official records by the county recorder as~~
 395 ~~provided for in chapter 28 may not include any person's social~~
 396 ~~security number in that document, unless otherwise expressly~~
 397 ~~required by law. If a social security number is or has been~~
 398 ~~included in a document presented to the county recorder for~~
 399 ~~recording in the official records of the county before, on, or~~
 400 ~~after October 1, 2002, it may be made available as part of the~~
 401 ~~official record available for public inspection and copying.~~

402 (c)~~b~~. A holder or the holder's attorney or legal guardian
 403 may any person, or his or her attorney or legal guardian, has the

404 ~~right to~~ request that a county recorder redact ~~remove~~, from an
 405 image or copy of an official record placed on a county recorder's
 406 publicly available Internet website or a publicly available
 407 Internet website used by a county recorder to display public
 408 records, or otherwise made electronically available to the
 409 ~~general~~ public ~~by such recorder~~, his or her social security
 410 number or bank account, debit, charge, or credit card number
 411 contained in that official record.

412 (d) A request for redaction must be a signed, legibly
 413 written request ~~The request must be made in writing, legibly~~
 414 ~~signed by the requester~~ and must be delivered by mail, facsimile,
 415 ~~or~~ electronic transmission, or ~~delivered~~ in person, to the county
 416 recorder. The request must specify the identification page number
 417 of the record that contains the ~~social security~~ number to be
 418 redacted.

419 (e) The county recorder does not have a ~~has no~~ duty to
 420 inquire beyond the written request to verify the identity of a
 421 person requesting redaction.

422 (f) A fee may not be charged for redacting such numbers ~~the~~
 423 ~~redaction of a social security number pursuant to such request.~~

424 (g) ~~e.~~ A county recorder shall immediately and conspicuously
 425 post signs throughout his or her offices for public viewing and
 426 shall immediately and conspicuously post, on any Internet website
 427 or remote electronic site made available by the county recorder
 428 and used for the ordering or display of official records or
 429 images or copies of official records, a notice stating, in
 430 substantially similar form, the following:

431 1.-(I) On or after October 1, 2002, any person preparing or
 432 filing a record ~~document~~ for recordation in the official records

PCB GEAC 07-08

ORIGINAL

2007

433 may not include a social security number or bank account, debit,
434 charge, or credit card number, in such document, unless required
435 by law.

436 2.~~(II)~~ Any person has a right to request a county recorder
437 to remove, from an image or copy of an official record placed on
438 a county recorder's publicly available Internet website or on a
439 publicly available Internet website used by a county recorder to
440 display public records or otherwise made electronically available
441 to the general public, any social security number contained in an
442 official record. Such request must be made in writing and
443 delivered by mail, facsimile, or electronic transmission, or
444 delivered in person, to the county recorder. The request must
445 specify the identification page number that contains the social
446 security number to be redacted. A fee may not be charged for the
447 redaction of a social security number pursuant to such a request.

448 ~~d. Until January 1, 2008, if a social security number, made~~
449 ~~confidential and exempt pursuant to this paragraph, or a complete~~
450 ~~bank account, debit, charge, or credit card number made exempt~~
451 ~~pursuant to paragraph (b) is or has been included in a court~~
452 ~~file, such number may be included as part of the court record~~
453 ~~available for public inspection and copying unless redaction is~~
454 ~~requested by the holder of such number, or by the holder's~~
455 ~~attorney or legal guardian, in a signed, legibly written request~~
456 ~~specifying the case name, case number, document heading, and page~~
457 ~~number. The request must be delivered by mail, facsimile,~~
458 ~~electronic transmission, or in person to the clerk of the circuit~~
459 ~~court. The clerk of the circuit court does not have a duty to~~
460 ~~inquire beyond the written request to verify the identity of a~~
461 ~~person requesting redaction. A fee may not be charged for the~~

462 ~~redaction of a social security number or a bank account, debit,~~
 463 ~~charge, or credit card number pursuant to such request. The clerk~~
 464 ~~of the circuit court has no liability for the inadvertent release~~
 465 ~~of confidential and exempt social security numbers or exempt bank~~
 466 ~~account, debit, charge, or credit card numbers, unknown to the~~
 467 ~~clerk of the circuit court in court records filed with the clerk~~
 468 ~~of the circuit court on or before January 1, 2008.~~

469 ~~e. Any person who prepares or files a document to be~~
 470 ~~recorded in the official records by the county recorder as~~
 471 ~~provided in chapter 28 may not include a person's social security~~
 472 ~~number or complete bank account, debit, charge, or credit card~~
 473 ~~number in that document unless otherwise expressly required by~~
 474 ~~law. Until January 1, 2008, if a social security number or a~~
 475 ~~complete bank account, debit, charge, or credit card number is or~~
 476 ~~has been included in a document presented to the county recorder~~
 477 ~~for recording in the official records of the county, such number~~
 478 ~~may be made available as part of the official record available~~
 479 ~~for public inspection and copying. Any person, or his or her~~
 480 ~~attorney or legal guardian, may request that a county recorder~~
 481 ~~remove from an image or copy of an official record placed on a~~
 482 ~~county recorder's publicly available Internet website, or a~~
 483 ~~publicly available Internet website used by a county recorder to~~
 484 ~~display public records outside the office or otherwise made~~
 485 ~~electronically available outside the county recorder's office to~~
 486 ~~the general public, his or her social security number or complete~~
 487 ~~account, debit, charge, or credit card number contained in that~~
 488 ~~official record. Such request must be legibly written, signed by~~
 489 ~~the requester, and delivered by mail, facsimile, electronic~~
 490 ~~transmission, or in person to the county recorder. The request~~

PCB GEAC 07-08

ORIGINAL

2007

491 ~~must specify the identification page number of the document that~~
 492 ~~contains the number to be redacted. The county recorder does not~~
 493 ~~have a duty to inquire beyond the written request to verify the~~
 494 ~~identity of a person requesting redaction. A fee may not be~~
 495 ~~charged for redacting such numbers.~~

496 (h) If the county recorder accepts or stores official
 497 records in an electronic format, the county recorder must use his
 498 or her best efforts to redact all social security numbers and
 499 ~~complete~~ bank account, debit, charge, or credit card numbers from
 500 electronic copies of the official record. The use of an automated
 501 program for redaction shall be deemed the best effort and
 502 complies with the requirements of this subsection ~~sub-~~
 503 ~~subparagraph.~~

504 (i) The county recorder is not liable for the inadvertent
 505 release of ~~confidential and exempt~~ social security numbers, or
 506 ~~exempt~~ bank account, debit, charge, or credit card numbers, filed
 507 with the county recorder ~~on or before January 1, 2008.~~

508 ~~f. Subparagraphs 5. and 6. do not apply to the clerks of~~
 509 ~~the court or the county recorder with respect to circuit court~~
 510 ~~records and official records.~~

511 ~~g. On January 1, 2008, and thereafter, the clerk of the~~
 512 ~~circuit court and the county recorder must keep complete bank~~
 513 ~~account, debit, charge, and credit card numbers exempt as~~
 514 ~~provided for in paragraph (b), and must keep social security~~
 515 ~~numbers confidential and exempt as provided for in subparagraph~~
 516 ~~3., without any person having to request redaction.~~

517 Section 4. Subsection (6) of section 215.322, Florida
 518 Statutes, is repealed.

519 Section 5. This act shall take effect October 1, 2007.